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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/592,012	12/08/2006	Derek Shane Hall	4046-044	7006
23440 7590 10/30/2008 GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 10016-0601				
EXAMINER				
BOCHNA, DAVID				
ART UNIT		PAPER NUMBER		
3679				
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10/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/592,012

Applicant(s)

HALL, DEREK SHANE

Examiner

David E. Bochna

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of claims 8 and 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 10 recites the limitation "the flanges" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuo '893.

In regard to claim 1, Kuo discloses a pipe insert 9 which in use is to provide a connection between at least two spaced pipe ends which are fixed relative to each other, said pipe ends each having first connection means 1 enabling the connection of an appliance 92 between the pipe ends, the insert 9 in use being intended to extend across the space between the pipe ends to replace the appliance and provide a fluid tight interconnection with between each pipe end and the abutting end of the insert, the insert having at least two ends 42, the pipe insert being adjustable to be able to vary the relative displacement between the ends, each end having second

connection means 4 adapted in use to be sealing interconnected with the first connection means 1.

In regard to claim 2, wherein the pipe insert 9 is able to accommodate at least some of the intended fluid flow between the pipe ends.

In regard to claim 3, wherein the pipe insert constitutes a flow conduit 42 between the ends.

In regard to claim 4, wherein the flow conduit 42 comprises an integral part of the pipe insert 9.

In regard to claim 5, wherein the flow conduit is of an extendable nature.

In regard to claim 6, wherein the pipe insert 9 is adapted to receive at least one of a selection of flow control element 92.

In regard to claim 7, wherein the pipe insert 9 incorporates a flow control 92.

In regard to claim 8, wherein the pipe insert 9 is not able to accommodate flow between the pipe ends.

In regard to claim 9, wherein, the pipe insert comprises a plurality of interengaged sections 4, 81 which are displaceable relative to each other to vary the relative displacement between the ends of the insert, and a locking means 6 is provided between the sections, said locking means 6 being capable of being released to permit relative movement between the sections.

In regard to claim 10, wherein the sections accommodate for fluid flow between the flanges and are sealingly interconnected.

In regard to claim 11, wherein the sections 4, 81 are telescoping interengaged.

In regard to claim 14, wherein the ends of the insert 9 are displaceable along a common axis.

7. Claims 1 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Coogle.

In regard to claim 1, Coogle discloses a pipe insert 60 which in use is to provide a connection between at least two spaced pipe ends which are fixed relative to each other, said pipe ends each having first connection means 40 enabling the connection of an appliance between the pipe ends, the insert in use being intended to extend across the space between the pipe ends to replace the appliance and provide a fluid tight interconnection with between each pipe end and the abutting end of the insert, the insert having at least two ends 20, the pipe insert being adjustable to be able to vary the relative displacement between the ends, each end having second connection means (threads on 20) adapted in use to be sealing interconnected with the first connection means.

In regard to claim 12, the sections 20, 40 are threadably interengaged, whereby the relative displacement is varied by varying the relative longitudinal position of the threadable interconnection between the sections.

8. Claims 1 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Gorman, Jr. '721.

In regard to claim 1, Gorman, Jr. discloses a pipe insert 10 which in use is to provide a connection between at least two spaced pipe ends 1, 46, which are fixed relative to each other, said pipe ends each having first connection means 46 enabling the connection of an appliance between the pipe ends, the insert 10 in use being intended to extend across the space between the pipe ends to replace the appliance and provide a fluid tight interconnection with between each

pipe end and the abutting end of the insert, the insert having at least two ends, the pipe insert being adjustable to be able to vary the relative displacement between the ends, each end having second connection means 6 adapted in use to be sealing interconnected with the first connection means.

In regard to claim 13, wherein the second connection means 6 are removable from the ends and the second connection means which are to affixed to the ends can be are selectable from a plurality of differing forms (fig. 1 or fig. 3) of second connection means adapted to conform with the first connection means of the pipe ends of differing sizes.

9. Claims 1 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Tuggle '312.

In regard to claim 1, Tuggle discloses a pipe insert (fig. 2) which in use is to provide a connection between at least two spaced pipe ends which are fixed relative to each other, said pipe ends each having first connection means enabling the connection of an appliance between the pipe ends, the insert in use being intended to extend across the space between the pipe ends to replace the appliance and provide a fluid tight interconnection with between each pipe end and the abutting end of the insert, the insert having at least two ends 48, 50, the pipe insert being adjustable to be able to vary the relative displacement between the ends, each end having second connection means adapted in use to be sealing interconnected with the first connection means.

In regard to claim 15, wherein the ends 48, 50 of the insert are displaceable along at least two axes which are angularly displaced from each other.

In regard to claim 16, wherein the ends 48, 50 of the insert are displaceable along two axes which are substantially perpendicular to each other.

In regard to claim 17, wherein the ends 48, 50 of the insert are displaceable along at least two axes which are spaced from each other.

10. Claims 1, 19 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Heylman '974.

In regard to claim 1, Heylman discloses a pipe insert (fig. 2) which in use is to provide a connection between at least two spaced pipe ends which are fixed relative to each other, said pipe ends each having first connection means enabling the connection of an appliance between the pipe ends, the insert in use being intended to extend across the space between the pipe ends to replace the appliance and provide a fluid tight interconnection with between each pipe end and the abutting end of the insert, the insert having at least two ends 14, 15, the pipe insert being adjustable to be able to vary the relative displacement between the ends, each end having second connection means (flanges) adapted in use to be sealing interconnected with the first connection means.

In regard to claim 19, Heylman discloses a method of connecting at least two spaced pipe ends 14, 15 which are fixed relative to each other, said pipe ends each having first connection means enabling the connection of an appliance between the pipe ends, the method comprising the steps of:

providing an insert (fig. 2) of the form as claimed at any one of the preceding claims between the at least two spaced pipe ends;

adjusting the length of insert to cause relative displacement between the ends of the insert according to the spacing between the pipe ends;

inserting the insert into the space between the pipe ends; and

connecting the insert to the pipe ends with the abutting first and second connection means to provide a fluid tight interconnection therebetween.

In regard to claim 21, wherein the first connection means each comprise a flange at the respective pipe end and said second connection means each comprise a flange¹⁴, ¹⁵ at the respective end wherein the first and second connection means are of a complementary form.

In regard to claim 22, wherein the pipe insert (fig. 2) is able to accommodate the flow and pressure conditions anticipated for the appliance in use.

In regard to claim 23, wherein the pipe insert (fig. 2) is configured and such that it can accommodate the anticipated mechanical loadings anticipated to be applied to the appliance in use.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Saito et al., Tuggle, Kitani et al., Anderson, Sato, Schera, Lasillo, Sr. and Butler all disclose similar couplings common in the art.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David E. Bochna/
Primary Examiner, Art Unit 3679